

DISTRICT 10

**2002-2003 ANNUAL PRO BONO
REPORT AND PLAN**

This Annual Pro Bono Report and Plan is made pursuant to Rule 6.5 of the Indiana Rules of Professional Conduct. The goals of this plan are as follows:

- (1) To enable Indiana attorneys to discharge their professional responsibilities to provide civil legal pro bono services;**
- (2) To improve the overall delivery of civil legal services to persons of limited means by facilitating the integration and coordination of services provided by pro bono organizations and other legal assistance organizations throughout the state of Indiana;**
- (3) To ensure statewide access to high quality and timely pro bono civil legal services for persons of limited means by (i) fostering the development of new civil legal pro bono programs where needed and (ii) supporting and improving the quality of existing civil legal pro bono programs;**
- (4) To foster the growth of a public service culture within the Indiana Bar which values civil legal pro bono public service;**
- (5) To promote the ongoing development of financial and other resources for civil legal pro bono organizations in Indiana;**

Hallmarks of an effective civil legal pro bono program

Ultimately, the measure of success for a civil legal services program, whether a staffed or volunteer attorney program, is the outcomes achieved for clients, and the relationship of these outcomes to clients' most critical legal needs. The following hallmarks are characteristics, which enhance a pro bono program's ability to succeed in providing effective services addressing clients' critical needs.

1. Ownership by the local bar association. The association believes the program is necessary and beneficial. The bar association makes a dual commitment: to management of the program and to participation in the program.

2. Centrality of client needs. The mission of the program is to provide high quality free civil legal services to low-income persons through volunteer attorneys. Client needs drive the program, balanced by the nature and quantity of resources available. The staff and volunteers are respectful of clients and sensitive to their needs.

3. Program priorities. The program engages in a priority setting process, which determines what types of problems the program will address. Resources are allocated to matters of greatest impact on the client and are susceptible to civil legal resolution. The program calls on civil legal services and other programs serving low-income people to assist in this process.

4. Direct representation component. The core of the program is direct representation in which volunteer attorneys engage in advocacy on behalf of low-income persons. Adjunct programs such as advice clinics, pro se clinics and paralegal assistance are dictated by client needs and support the core program.

5. Coordination with state and local civil legal service programs and bar associations. The programs work cooperatively with the local funded civil legal services programs. The partnerships between the civil legal services programs and the local bar association results in a variety of benefits including sharing of expertise, coordination of services, and creative solutions to problems faced by the client community.

6. Accountability. The program has mechanisms for evaluating the quality of service it provides. It expects and obtains reporting from participating attorneys concerning the progress/outcome of referred cases. It has the capability to demonstrate compliance with requirements imposed by its funding source(s) and it has a grievance procedure for the internal resolution of disputes between attorneys and clients.

7. Continuity. The program has a form of governance, which ensures the program will survive changes in bar leadership, and has operational guidelines which enable the program to survive a change in staff.

8. Cost-effectiveness. The program maximizes the level of high quality civil legal services it provides in relationship to the total amount of funding received.

9. Minimization of barriers. The program addresses in a deliberate manner linguistic, sensory, physical and cultural barriers to clients' ability to receive services from the program. The program does not create undue administrative barriers to client access.

10. Understanding of ethical considerations. The program operates in a way, which is consistent with the Rules of Professional Conduct; client confidentiality is assured and conflicts of interest are avoided.

11. ABA Standards. The program should be designed to be as consistent with the ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means as possible.

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A. Abstract-

Please summarize the current status of your Committee's planning process. Your summary should include the District Committee's mission statement, a history of the organization, a description of the current legal services delivery system, as well as identification, categorization and prioritization of the legal problems experiences by indigent individuals within the counties of your District. Please include additional information you deem to be relevant to a complete description of the current status of your Committee.

INTRODUCTION

Mission of the District 10 Pro Bono Commission

1. Ensure access to civil legal assistance and legal information for persons of limited means, for children and for social service agencies.
2. Recruit and support lawyers providing direct representation and education to those underserved by the legal system.
3. Promote law student participation in Pro Bono activities.

History of the Committee's Work

The District 10 Committee has canvassed the legal community to ascertain current pro bono efforts, has coordinated efforts between formal legal service providers, and has promoted volunteer services through active participation with the four Bar Associations.

Six months ago , District 10 hired Cynthia Nienaber as our part-time administrator. Ms. Nienaber created a complete database from our attorney surveys to identify and monitor their pro bono services. The survey efforts and follow-up recruitments done by the judges and the administrator have markedly increased the numbers of attorneys providing direct representation and have increased the number of hours volunteered by attorneys already providing these

services, especially in connection with the District 10 Pro Bono Referral Program, discussed below.

Further, in collaboration with all judges from the district and its four bar associations, District 10 developed and administered a program to recognize attorneys who provide pro bono services. This program and the promotion of pro bono work by the presidents of each Bar association have enhanced our ability to recruit lawyers for this important work.

Current Legal Services Delivery System

There are five formal programs delivering legal services in District 10. (See Ex. 3) District 10 works closely with each, but our most important impact has been on the district referral program, now called the District 10 Pro Bono Referral Program, through which clients are screened for financial eligibility and then referred to private attorneys. This program has resulted in a demonstrable increase in attorney volunteer hours.

The other four formal programs are Indiana Legal Services, which serves indigents district-wide under the Legal Services Corporation's guidelines; the Community Legal Clinic of the IU School of Law, which takes low-income family law cases; the Protective Order Project of the IU School of Law, which provides services for protective orders without income guidelines; and the Child Advocacy Clinic of the IU School of Law, which takes cases involving children involved in custody and visitation disputes solely on referral by the local courts.

There are also significant informal volunteer services provided by attorneys. As our survey revealed, many attorneys volunteer through churches, nursing homes and non-profit agencies serving the poor. All of the judges in the district refer cases to individual attorneys to

be handled without any fee or for a reduced fee. District 10 has also recorded and recognized these efforts.

Our Problems and Our Priorities

District 10's single overriding issue is the need for more volunteer lawyers to provide direct representation, often courtroom representation, for those in need in family law cases, housing law cases and debt collection cases. Thus our priority is to recruit volunteer lawyers and secure their services over the long term, as follows:

1. Our administrator, each county's bar president, and a local judge will recruit all new attorneys;
2. Attorneys hesitant to take on these three case types will be provided with law student assistance and written materials;
3. Attorneys already performing in these areas will be able to donate more hours with law student assistance for research and investigation;
4. District 10 will provide legal education courses in these areas, as well as Guardian Ad Litem training, in collaboration with the Indiana University School of Law. These courses will be available free to attorneys willing to provide direct case representation in the following year;
5. District 10 will continue formal recognition of pro bono efforts and make those efforts more visible to the community through press releases.

District 10 believes these efforts will effectively enhance our delivery of legal services and can be accomplished with a full-time Plan Administrator working in conjunction with the law school, the judges and the four Bar Associations. A more detailed outline of our plans for the next year is set forth below in the section entitled "District 10 Internal Plan."

District 10 Internal Plan Proposal

District 10 seeks to expand our present half-time Plan Administrator position to a full-time position in order to expand our current recruitment and recognition efforts and to implement an innovative partnership with the Indiana University School of Law. Both proposed expansions are described below.

A. The District 10 Pro Bono Project Partnership with Indiana University School of Law

The proposed partnership with the Law School has two primary elements. First, the Administrator will link pro bono attorneys and volunteer law students willing to provide research, investigative time, and other support. When the Administrator refers a case to a pro bono attorney, she will offer the services of a law student willing to work on the case as well. In addition, the IU Law Public Interest Law Foundation, a student group organized to support pro bono and public interest activities, has committed to providing law-student recruitment and support for the Administrator at the Law School. Second, with the help of Law School faculty, the Administrator will plan and coordinate a series of free CLE programs designed to provide information in areas of law that are high priority for District 10. These seminars would provide attorneys with the information, research, documents, and forms that volunteer attorneys need to be able to serve their clients. Third, the Administrator will monitor and continually assess the referred cases to assure the quality of the referral process. The Law School has agreed to donate office space for the Plan Administrator at the School, a building that many attorneys already associate with public service. And the Public Interest Law Foundation, a group of law students

committed to increasing public interest and pro bono efforts, has agreed to recruit student volunteers for the project.

This partnership with the Law School will serve several important goals. It will assist District 10 in recruiting new attorneys by providing them with the opportunity both to have the support of a law student and to serve as a mentor, a role many attorneys enjoy. It will help retain pro bono attorneys by providing educational assistance and, again, the opportunity for law student support. It will provide a consistent office clearinghouse for pro bono referral activities. And it will assure that future Indiana attorneys have learned the value of service to their community.¹

District 10's Pro Bono Project is modeled on an already-existing, and successful, Law School program. The IU Protective Order Project (POP), in its 15th year, has approximately 25 volunteer attorneys and up to 100 student volunteers who work closely with them. POP provides training to the students and the volunteer attorneys in domestic violence and civil legal remedies for domestic violence. It produces both a manual and a website as resources for attorney and student volunteers. See Ex. 1 and 2 (Protective Order Project Manual and website). It is organized by students who monitor cases, recruit volunteer attorneys, seek feedback from clients about the quality of legal services provided, and serve directly in providing client services. It receives referrals directly from agencies that work with abuse victims, including law enforcement, the courts, and domestic violence shelters. POP has won a statewide Pro Bono Award from the Indiana State Bar Association.

¹ Robert V. Stover's influential study, *Making It and Breaking It*, demonstrated that law students who have the opportunity to participate in pro bono work in law school are much more likely to continue to provide pro bono once they are members of the profession.

In addition to providing a model for matching law students and attorneys, the POP experience demonstrates that lawyers are more likely to participate in consistent pro bono activities when they can rely on the quality and consistency of provided support materials, like manuals and websites.

B. Expand Attorney Recognition

District 10 realizes that attorney recognition is an important part of any Pro Bono Plan. Although many attorneys assert that they do not do pro bono representation for recognition, but for personal and ethical reasons, District 10 believes that any task is more enjoyable when it is appreciated. For that reason, the Pro Bono Plan Administrator will participate in formal district-wide attorney recognition programs, and also in more informal “lunch and learn” sessions. During this time the Pro Bono Plan Administrator will bring lunches to the attorneys at their offices to update them on new developments in the Pro Bono Referral Program. This will be an important time for feedback and suggestions from the attorneys. It will also make the attorneys more aware of the Pro Bono Plan Administrator and the District 10 Committee. By establishing this personal contact, District 10 will recruit a greater number of attorneys to participate in the Pro Bono Program.

In the Future

Once we have secured this solid base, we see other challenges that will be reflected in the future year’s reports. Not every lawyer can handle or is willing to handle a family law, housing law, or debt collection law case in court. Other strategies will involve other lawyers and expand our services to those in need.

Mediation: The district has a significant number of attorneys certified as mediators. From our surveys we know they will help us establish a mediation referral service through the existing

District 10 Pro Bono Referral Program. A member of the Committee, Francie Hill, has had preliminary discussions about establishing this program with private attorneys and the Community Conflict Resolution Program.

Spanish speaking clients: The Spanish-speaking members of our communities are increasing in significant numbers. We hope to work with Indiana University to provide legal information in Spanish and to provide interpreters for lawyers working with these people.

Government Lawyers: Our government lawyers are already making substantial pro bono contributions through speaking engagements, but we would like to use them to create informational materials on topics such as license suspension and housing code violations.

Monetary contributions: Although we have received monetary contributions from lawyers, we intend to establish formal money raising efforts with the four Bar presidents.

B. DATA

1. In the following space, please list the following information about the Committee members: name, organization affiliation (if any), address, phone, fax and E-mail address. Please include what category listed in rule 6.5 (f) (1) this person is representing. Please indicate if members represent more than one organization or category. Please include the judicial appointee and if applicable the District plan administrator at the top of this page.

Name: Cynthia Nienaber, District 10 Pro Bono Plan Administrator
Address: 4336 Cricket Knoll, Bloomington, IN 47401
Phone: 812-339-7809
Fax: 812-332-8345
Email: kcjzn@aol.com
6.5(f)(1) cat: Pro Bono Plan Administrator

Name: The Honorable Elizabeth N. Mann, Monro County Circuit Court IV
Address: 302 N. College Avenue, Bloomington, IN 47404
Phone: 812-349-2635
Fax: 812-349-2791
Email: nickimann@aol.com; elizmann@co.monroe.in.us
6.5(f)(1) cat: Chair as designated by the Indiana Supreme Court

Name: John Haury, Haury & Woodward
Address: 1534 I Street, Bedford, IN 47421
Phone: 812-275-4446
Fax: 812-275-4448
Email: jhaury@hpcisp.com
6.5(f)(1) cat: At-large member

Name: The Honorable Suzanne Sturgeon
Address: P.O Box 1234, Bloomington, IN 47402
Phone: 812-332-9476
Fax: 812-331-8819
Email: suzannes@kiva.net
6.5(f)(1) cat: At-large member

Name: Mona Paddock, Hartman & Paddock
Address: 44 S. Franklin Street, Bloomfield, IN 47424
Phone: 812-384-3527
Fax: 812-384-3520
Email: mpaddock@ncci.net
6.5(f)(1) cat: Greene County Bar President

Name: Earl Singleton, Indiana University School of Law
Address: Law Bldg, Room 300, Bloomington, IN 47405
Phone: 812-855-9229
Fax: 812-855-0555
Email: singlet@indiana.edu
6.5(f)(1) cat: Law School Represenatative

Name: Maryann Williams, Hickam & Hickam
Address: 10 S. Main St., Spencer, IN 47460
Phone: 812-829-2221
Fax: 812-829-0365
Email: lawmom55@hotmail.com
6.5(f)(1) cat: At-large member

Name: Frances Hill
Address: 936 W. High St., Bloomington, IN 47401
Phone: 812-336-2255
Email: Frances_hill@hotmail.com
6.5(f)(1) cat: At-large member

Name: Mary Beasley
Address: R.R. #18, Box 753, Bedford, IN 47421

Phone: 812-279-4509
6.5(f)(1) cat: Past recipient of legal services

Name: Jamie Andree, Indiana Legal Services
Address: 242 West 7th St., Bloomington, IN 47404
Phone: 812-339-7668/ext. 224
Fax: 812-339-2081
Email: Jamie.andree@ilsi.net
6.5(f)(1) cat: Legal Services Representative

Name: Bruce Hewetson, Donovan Emery & Hewetson
Address: 1501 J. Street, Suite 401, Bedford, IN 47421
Phone: 812-279-8181
Fax: 812-279-8203
Email: dehlaw@kiva.net
6.5(f)(1) cat: At-large member

Name: Joseph O'Connor, Bunker & Robertson
Address: Suite 226, S. College Ave., Bloomington, IN 47402
Phone: 812-332-9295
Fax: 812-331-8808
Email: joc@lawbr.com
6.5(f)(1) cat: At-large member

Name: The Honorable Viola Taliaferro, Monroe County Circuit Court VII
Address: 301 North College Avenue, Bloomington, IN 47404
Phone: 812-349-2629
Fax: 812-349-2791
Email: Taliafey@co.monroe.in.us
6.5(f)(1) cat: At-large member

Name: Stephanie Campbell
Address: 9087 Mt. Carmel Road, Gosport, IN 47433
Phone: 812-935-6229 (w)812-323-4785
6.5(f)(1) cat: Past recipient of legal services

Name: Susan H. Nelson, Chapman & Nelson
Address: 205 N. College, Suite 212, Bloomington, IN 47404
Phone: 812-333-9900
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Email: shn@cnbloomington.com
6.5(f)(1) cat: At-large member

Name: Bill Beggs, Bunker & Robertson
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Phone: 812-332-9295
Fax: 812-331-8808
Email: wjbeggs@lawbr.com
6.5(f)(1) cat: Monroe County Bar President

Name: Scott Callahan, Prosecuting Attorney
Address: 1410 I. St., Bedford, IN 47421
Phone: 812-275-4439
Fax: 812-275-4131
6.5(f)(1) cat: Lawrence County Bar President

Name: Amber Braunstetter
Address: 44 S. Franklin St., Bloomfield, IN 47424
Phone: 812-384-3527
Fax: 812-384-3520
Email: abranstetter@ncci.net
6.5(f)(1) cat: Greene County Bar President

Name: Richard Lorenz
Address: 10 S. Main St., Spencer, IN 47460
Phone: 812-829-2221
Fax: 812-829-0365
6.5(f)(1) cat: Owen County Bar President

2. Governance - Briefly describe the organizational structure of your District, including replacement and succession of members, and terms of service.

The District 10 is governed by a Committee comprised of attorney and non-attorney members from within Greene, Lawrence, Monroe, and Owen counties. Members of the Committee are appointed to serve for either two (2) year or three (3) year terms. No more than 1/3 of the committee is comprised of existing legal services providers. The remainder of the committee is comprised of private attorneys in District 10 and low-income individuals. The committee is open to anyone in the Monroe, Owen, Green and Lawrence County Bar

Associations. Each president of the respective bar association is automatically a member of the committee. Two members of the committee are past recipients of pro bono legal services.

3. History/Background - Please list all counties in the District, any pro bono organizing activity or efforts at coordination that existed prior to the formation of the Rule 6.5 Committee.

Monroe, Greene, Lawrence and Owen counties comprise District 10. For many years prior to the formation of the Pro Bono Committee, Monroe County had an organized effort to provide legal services to indigent citizens. In the late 1960's, the Monroe County Bar Association developed the Legal Services Bureau through the federally-funded poverty office, Community Action Program (CAP). On Saturday mornings at that office, volunteer lawyers would meet with people needing legal assistance and schedule follow-up appointments through their private offices. Screening for financial qualification was done by CAP employees. When funding was withdrawn, the program of private attorney referral merged with the Legal Services office for financial screening and the matching of clients with attorneys. Over the years the program has expanded to include all counties now in District 10.

4. Plan Administrator - Rule 6.5(g)(2) requires each Committee to select and employ a plan administrator to provide the necessary coordination and administrative support for the District Pro Bono Committee. Please indicate the name of the person, the duties of the plan administrator, if that position is funded and if so, the source of those funds.

Cynthia M. Nienaber, Esq., is the District 10 Pro Bono Plan Administrator. She has outstanding experience both as a Legal Services attorney and a private practitioner. She has also held positions in area poverty-related, community-based organizations. Cynthia's current duties include the following:

A. Coordinate the recruitment of pro bono lawyers;

- B. Create and update a directory reflecting participating attorneys and the types and numbers of referrals they accept;
- C. Develop and administer a lawyer recognition program with the Bar presidents and the judges;
- D. Implement an assessment plan to evaluate the provisions of pro bono services; and
- E. Oversee the plan to obtain matching funds and in-kind contributions for funding the coordinator position and associated costs.

If the 2003 Plan is approved, the administrator's duties in 2003 will include coordinating the provision of resources (law student assistance, research and training programs and materials) to volunteer attorneys. (See Ex. 3)

The District 10 Pro Bono Plan Administrator's salary of \$25,000.00 is funded by a grant from the Indiana Bar Foundation.

5. Monitoring Role - Briefly describe how the District Committee will evaluate and record the progress and success of the District Plan.

(a) Quality of services provided:

Client satisfaction: For the direct referral program, District 10 will continue to survey clients at the conclusion of their cases. District 10 sends a written questionnaire. If there is no response, then the Plan Administrator attempts to reach clients by phone.

Attorney satisfaction: District 10 will survey all attorneys annually to ascertain whether they received sufficient support (legal education, written materials and law student assistance). They will be encouraged to make an informal report as each case is closed but District 10 would like to minimize the impediments, in the form of additional paperwork, to pro bono service.

Agency/judicial referral: District 10 will also survey agencies or judges referring cases to the direct referral program annually to determine their satisfaction with the program and solicit suggestions.

(b) Quantity:

(i) number of attorneys participating

The Pro Bono Plan Administrator will collect these numbers for the direct representation referral program and present them to the Committee each year along with the reports from the other four formal legal service providers. To capture these numbers with regard to attorneys doing informal pro bono work, the Plan Administrator will send a written questionnaire to every attorney in District 10 every year.

(ii) number of clients served

See response to (i) above.

(iii) number of hours

For the direct referral program, the Plan Administrator will request that attorneys include this information on their “case closing reports.” This information is not currently captured by the other four formal legal service providers. Most attorneys in the district have software billing programs that allow them to code a client as “pro bono.” We will ask them to provide this to us in our annual questionnaire.

(c) Costs associated with achieving goals

Our most significant cost for everything is the salary for the full time administrator and the human capital he/she will expend. The administrator will track all costs using accepted accounting methods.

- C. Annual Report: Existing Services, Programs, and Funding Sources - Please provide a detailed description of existing service providers, programs and funding sources currently in existence within your District. Please utilize the worksheets on the following pages for each entity and fill out the legal service provider annual progress report for each entity and the district annual progress report.**

EXISTING SERVICE/PROGRAM

Service/Program Name: District 10 Pro Bono Referral Program

Mailing Address: P.O. Box , Bloomington, IN 47401

Phone: (812)339-7809

Contact Person: Cynthia Nienaber **Title:** Pro Bono Plan Administrator

Sponsoring Agency: District 10 Pro Bono Committee **Phone:** 339-7809

Agency Director: The Hon. Elizabeth N. Mann

Service/Program Information:

Target Population: Poor persons in District 10 with a wide range of civil legal problems, children, social service agencies serving the poor.

Eligibility Requirements: Clients must meet financial eligibility guidelines. Specifically, income must be under 125% of the federal poverty level (for example, \$361/week for a household of 3). Clients must either be citizens or fall within specific categories of immigrants.

Service Area: Monroe, Owen, Greene, and Lawrence Counties.

Funding Source(s): Indiana Bar Foundation grant and private donations.

Service /Program Description: The District 10 Pro Bono Referral Program links attorneys with low income individuals and groups facing a wide range of legal problems in the following areas: public benefits, family, housing, consumer, education, and employment.

EXISTING SERVICE/PROGRAM

Service/Program Name: Indiana Legal Services, Inc.

Mailing Address: Curry Building, 2nd floor; 242 W. 7th St, Bloomington, IN 47404

Phone: (812)339-7668

Contact Person: Jamie Andree **Title:** Managing Attorney

Sponsoring Agency: Indiana Legal Services, Inc. **Phone:** 317-631-1395 x245

Agency Director: Norman Metzger

Service/Program Information:

Target Population: Low income Hoosiers throughout the state with a wide range of civil legal problems.

Eligibility Requirements: Clients must meet financial eligibility guidelines. Specifically, income must be under 125% of the federal poverty level (for example, \$361/week for a household of 3). ILS also takes into account liquid assets to determine whether the prospective client has sufficient funds to hire an attorney. Clients must either be citizens or fall within specific categories of immigrants. Senior citizens are not subject to financial eligibility requirements if they live in areas for which ILS receives Aging funds.

Service Area: ILS is a statewide organization with 10 offices. The Bloomington office serves clients living in 12 counties (Bartholomew, Brown, Decatur, Greene, Jackson, Jennings, Lawrence, Martin, Monroe, Morgan, Orange, and Owen).

Funding Source(s): ILS receives funding from a variety of sources including the Legal Services Corporation, HUD Continuum of Care, HHS Administration on Aging, several United Way Agencies, Community Development Block grants and/or Social Services funding from several communities, Indiana's Civil Legal Aid Fund, and VAWA funds.

Service /Program Description: ILS provides civil legal representation and advice to low income individuals and groups facing a wide range of legal problems in the following areas: public benefits, family, housing, consumer, education, and employment. ILS also provides community legal education about the legal problems facing low income people. ILS currently does financial eligibility interviewing and referral of District 10 Pro Bono clients.

EXISTING SERVICE/PROGRAM

Service/Program Name: Indiana University School of Law Protective Order Project

Mailing Address: 211 S. Indiana Ave, Bloomington, IN 47405

Phone: (812)855-9229

Contact Person: Lauren Robel **Title:** Acting Dean

Sponsoring Agency: IU School of Law **Phone:** 855-8885

Agency Director: Lauren Robel

Service/Program Information:

Target Population: any victim of domestic abuse

Eligibility Requirements: same as protective order statute

Service Area: Monroe County

Funding Source(s): IU School of Law

Service /Program Description: Volunteer attorneys and students represent abuse victims in
protective order cases.

EXISTING SERVICE/PROGRAM

Service/Program Name: Indiana University Community Legal Clinic

Mailing Address: 211 S. Indiana Ave, Bloomington, IN 47405

Phone: (812)855-9229

Contact Person: Earl Singleton **Title:** Director

Sponsoring Agency: IU School of Law **Phone:** 855-9229

Agency Director: Earl Singleton

Service/Program Information:

Target Population: indigent clients involving family law matters

Eligibility Requirements: flexible, however we use Indiana Legal Services guidelines; must be family law case (ex: dissolution, custody, CHINS, paternity, adoption, guardianship

Service Area: Monroe County and surrounding counties

Funding Source(s): IU School of Law

Service /Program Description: : The Community Legal Clinic offers free legal assistance to eligible clients regarding family law matters only. Certified legal interns, students who have completed at least one-half of their law school training, serve clients who are unable to hire an attorney. They are supervised by an experienced licensed attorney. Not all cases that meet our income guidelines are accepted. We also consider the legal complexity of the case and its educational value to our student interns.

EXISTING SERVICE/PROGRAM

Service/Program Name: Indiana University Child Advocacy Clinic

Mailing Address: 211 S. Indiana Ave, Bloomington, IN 47405

Phone: (812)855-9229

Contact Person: Amy Applegate **Title:** Director

Sponsoring Agency: Indiana University **Phone:** 855-9229

Agency Director: Amy Applegate

Service/Program Information:

Target Population: court-appointed guardians ad litem and their legal representatives represent the best interest of children in custody and visitation disputes

Eligibility Requirements: must be court-appointed to represent children's best interests. There are no specific family income requirements, although most parents are low income or indigent.

Service Area: Monroe, Owen and Green Counties

Funding Source(s): Indiana University School of Law

Service /Program Description: Students are appointed as guardians ad litem by the Court to represent the best interests of children in highly contested custody and visitation cases. Students also serve as Certified Legal Interns or student attorneys to represent the guardians ad litem.

**Legal Service Provider
Annual Progress Report**

	Legal Service Provider <u>Dist. 10 Pro Bono Referral Program</u>
Screened Cases	898
Assigned Cases	50
Closed Cases	37
Declined Cases	
Other Cases: (specify)	
Total Cases per Provider	50
Number of Volunteer Attorneys	73

List Number of Cases of Each Type	Legal Service Provider <u>Dist. 10 Pro Bono Referral Program</u>
Consumer/Finance	11
Education	
Employment	3
Family	26
Juvenile	
Health	6
Housing	
Income Maintenance	3
Individual Rights	1
Other*	
Total Number of Cases	50

**Legal Service Provider
Annual Progress Report**

	Legal Service Provider <u>Indiana Legal Services</u>
Screened Cases	898
Assigned Cases	522 (to ILS staff)
Closed Cases	
Declined Cases	326
Other Cases: (specify)	
Total Cases per Provider	
Number of Volunteer Attorneys	

List Number of Cases of Each Type	Legal Service Provider <u>Indiana Legal Services</u>
Consumer/Finance	65
Education	1
Employment	12
Family	183
Juvenile	4
Health	56
Housing	120
Income Maintenance	45
Individual Rights	20
Other*	16
Total Number of Cases	522

**Legal Service Provider
Annual Progress Report**

	Legal Service Provider <u>Protective Order Project</u>
Screened Cases	140
Assigned Cases	61
Closed Cases	47
Declined Cases	26
Other Cases: (specify)	
Total Cases per Provider	61
Number of Volunteer Attorneys	20

List Number of Cases of Each Type	Legal Service Provider <u>Protective Order Project</u>
Consumer/Finance	
Education	
Employment	
Family	140
Juvenile	
Health	
Housing	
Income Maintenance	
Individual Rights	
Other*	
Total Number of Cases	140

**Legal Service Provider
Annual Progress Report**

	Legal Service Provider <u>Community Legal Clinic</u>
Screened Cases	30
Assigned Cases	19
Closed Cases	17
Declined Cases	
Other Cases: (specify)	
Total Cases per Provider	19
Number of Volunteer Attorneys	0

List Number of Cases of Each Type	Legal Service Provider <u>Community Legal Clinic</u>
Consumer/Finance	
Education	
Employment	
Family	19
Juvenile	
Health	
Housing	
Income Maintenance	
Individual Rights	
Other*	
Total Number of Cases	19

**Legal Service Provider
Annual Progress Report**

	Legal Service Provider <u>Child Advocacy Clinic</u>
Screened Cases	21
Assigned Cases	29
Closed Cases	17
Declined Cases	
Other Cases: (specify)	
Total Cases per Provider	29
Number of Volunteer Attorneys	0

List Number of Cases of Each Type	Legal Service Provider <u>Child Advocacy Clinic</u>
Consumer/Finance	
Education	
Employment	
Family	29
Juvenile	
Health	
Housing	
Income Maintenance	
Individual Rights	
Other*	
Total Number of Cases	29

District 10
Annual Progress Report

2001-2002

	District Totals
Screened Cases	1089
Assigned Cases	681
Closed Cases	118
Declined Cases	352
Other Cases: (specify)	
Total Cases per District	681
Number of Volunteer Attorneys	93

List Number of Cases of Each Type	District Totals
Consumer/Finance	76
Education	1
Employment	15
Family	
Juvenile	4
Health	62
Housing	120
Income Maintenance	48
Individual Rights	21
Other*	16
Total Number of Cases	363

D. 2002-2003 Annual Plan:

Problem Statements\ Recommendations - For each problem, use one complete worksheet with as many recommendations for solving that problem as necessary. Please number your problems according to priority.

- 1. Problem Identification- Problem statements identify all of the barriers faced by indigent individuals in their effort to resolve problems through the legal system.**
- 2. Supportive Data- Supportive Data (statistics, survey results, records, reports, etc.) should be organized to show how the barriers are preventing people from accessing justice.**
- 3. Recommended Actions to address barriers and problems - These recommendations are identified with one of the categories of opportunities for attorneys found in Rule 6.5 (i).**
- 4. Recommended Actions to support the participating attorneys. - These elements are identified in Rule 6.5(h).**
- 5. Expected Results - The expected result is a statement describing the expected benefit to be derived from the expenditure of human and financial resources.**
- 6. Benchmarks - These are the measurable goals for evaluating progress of proposed recommended actions.**
- 7. Costs associated with benchmarks - This is the proposed budget necessary for achieving the expected results.**

PROBLEM STATEMENTS/RECOMMENDATIONS WORKSHEET

Problem/Barrier # 1 :

District 10 faces a substantial shortage of attorney volunteers in comparison with rising levels of poverty in the area. There is also a lack of support for the attorneys that do provide voluntary representation, and the same attorneys tend to take cases repeatedly.

What data supports your statement of the problem?

2000 Census, ILS legal needs study of 1992, statements of judicial officers

What activities will the attorneys in your District take to address this barrier or problem? For each checked activity, please provide a detailed description of your District's plan for implementing this activity.

☒ **Representing persons of limited means through case referral**

In the past, case referral for District 10 has primarily been handled through Indiana Legal Services. However, District 10 has hired a Pro Bono Plan Administrator. That individual will be responsible for making attorney referrals in 2003.

☒ **Representing persons of limited means through direct contact with a lawyer when the lawyer establishes financial eligibility substantially similar to those used by legal assistance providers**

As always, individual attorneys will continue their tradition of pro bono in District 10 by reducing fees when they determine that there is financial need. This type of volunteer activity will be tracked by the Pro Bono Plan Administrator.

☒ **Representing community groups servicing persons of limited means through case referral**

District 10 attorneys have been active in community groups that serve the indigent over the years, and the Pro Bono Plan Administrator will track this service as well.

☒ **Interviewing and determining eligibility of prospective pro bono clients**

Indiana Legal Services will continue to screen clients for financial eligibility prior to referral.

☐ **Acting as co-counsel on cases or matters with civil legal assistance providers and other pro bono lawyers**

☐ **Providing consultation services to civil legal assistance providers for case reviews and evaluations**

☒ **Providing training to the staff of civil legal assistance providers and other volunteer pro bono attorneys;**

District 10 is planning CLE courses in each county that will focus on training attorneys in legal areas of priority to the District.

☒ **Making presentations to persons of limited means regarding their rights and obligations under the law**

District 10 has a large resource of prosecutors and public defenders who wish to contribute in the form of pro bono service. Direct representation may be difficult for these individuals, so the Pro Bono Plan Administrator will help arrange presentations by these attorneys to persons of limited means about their rights and obligations under the law.

 x **Providing legal research**

District 10 is fortunate to have an excellent law library at Indiana University and a large number of law students with access to Lexis and Westlaw who are eager and interested in learning about the practical aspects of legal representation. These students will be instrumental in providing support and assistance to pro bono attorneys. By forming a partnership with the Indiana University School of Law, District 10 will assist attorneys who accept pro bono cases.

 x **Providing guardian ad litem services**

As attorneys are trained to be guardians ad litem, they will provide pro bono service as guardians ad litem.

Description:

In response to this rising need, District 10 has agreed to work cooperatively with the Indiana University School of Law to pair volunteer attorneys with law students. By providing law students with the opportunity to participate in pro bono work while in law school, the partnership will both train future pro bono attorneys and encourage the provision of pro bono assistance. Studies have shown that students who are given the opportunity to provide pro bono services during law school will continue to do so afterwards, whereas students who are not given such opportunities are much less likely to provide pro bono services when they join the bar. See Robert V. Stover, *Making It and Breaking It: The Fate of Public Interest Commitment During Law School*. Urbana: University of Illinois Press, 1989. By linking lawyers and law students, District 10 will encourage mentoring in the provision of pro bono services, again making it more likely that students will continue their pro bono as lawyers.

In addition to securing the future of pro bono services in Indiana, the partnership between the law school and District 10 will provide valuable support to attorneys providing pro bono

representation. Law students will be available to interview clients and witnesses, research legal issues, draft pleadings and discovery, take photographs, review files, and help with any small matters that the lawyer might need in that particular case. Attorneys in District 10 have no shortage of cases, and adding pro bono to their caseload can sometimes seem like a daunting task. However, adding law student support to the District 10 Pro Bono Plan will alleviate some of the extra work that goes along with taking on a new case. All pre-screening of cases will still be handled by Indiana Legal Services, thereby permitting the attorney to focus on the client's legal issues. As always, only an attorney will give legal advice and provide courtroom representation. The attorney will supervise and direct the work of the law student and he or she will determine the extent of the law student's involvement with the case. A manual will be provided to assist the attorney in handling cases, similar to the manual distributed by the Protective Order Project. To help balance the pro bono caseload, the Pro Bono Plan Administrator will create a rotation system so that all attorneys are contacted at least once during the year and referrals are made to attorneys with expertise in their area of law.

District 10 will continue to support the work of the Child Advocacy Clinic, the Community Legal Clinic, the Protective Order Project and Indiana Legal Services in providing services to the indigent in District 10. Attorneys who wish to provide pro bono services may choose from a wide variety of programs that benefit the poor in District 10.

In return for their service, District 10 will honor attorney volunteers during the year by hosting informal "lunch and learn" sessions at the attorneys' various offices in which the attorneys can share information, stories, and suggestions with the Pro Bono Plan Administrator. In this way the Plan Administrator can learn of the problems and successes in the practice of pro bono, and at the same time the Plan Administrator can recognize the efforts of the attorneys,

paralegals, secretaries and staff of the various offices. More formal attorney recognition events will be held at the Annual Quad County Bar Association meeting in September. At this time awards will be given to the attorneys from each county who excel in their pro bono service.

Please describe the expected results and the measures, which you will utilize to determine the value to the indigent of the proposed activity.

The Plan Administrator will provide the Committee with annual reports outlining:

1. The number of attorneys providing direct representation. The Plan Administrator will have this information from the Direct Referral Program and will gather it from each of the other four formal legal services providers. Additionally, judges will provide the Plan Administrator with a record of court referrals. All will be compared to earlier reports.
2. The number of hours volunteered for direct representation. The Plan Administrator will have this information from the Direct Referral Program and will gather it from each of the other four formal legal services providers. Additionally, judges will provide the Plan Administrator with a record of court referrals. All will be compared to earlier reports.
3. Attorney surveys. The Plan Administrator will survey lawyers providing direct representation to ascertain whether they are receiving helpful materials and education and their view of law student assistance.
4. Law student surveys. Participating law students will critique their experience and be asked whether it makes pro bono activities more likely when they are in practice.

District 10 expects that the number of lawyers participating will increase, the

number of hours devoted to direct representation will increase, and the attorneys and law students will report satisfying experiences.

Please provide your timeline for implementing and evaluating the recommended activities.

By January of 2003, the Pro Bono Plan Administrator will have an established office in the Indiana University School of Law and will have already begun the process of informing attorneys in District 10 of the possibility of working with a law student. The Administrator will inform the attorneys of this possibility at the “Lunch and Learn” sessions, and students will be made aware of the possibility at Indiana University School of Law CLE. Throughout the year, the Pro Bono Plan Administrator will continue to coordinate efforts with the Community Legal Clinic, the Child Advocacy Clinic, and the Protective Order Project.

**Please provide a proposed budget for implementing the recommended activities.
(See Comprehensive Budget Form, *infra*. Percentages are for dollar amounts listed there.)**

Plan administrator salary:	75% - \$30,000.00
Benefits:	75% - \$7,500.00
Space:	75% - \$5250.00
Equipment:	75%% - \$2000.00
Supplies:	12% - \$250.00
Telephone:	58% - \$1000.00
Travel:	100% - \$1,500.00
Insurance:	100% - \$5,000.00
Litigation:	100% - \$3,000.00
Attorney Recognition:	75% - \$1,500.00
Plan Administrator training:	<u>100% - \$700.00</u>
	70% - \$57,700.00

PROBLEM STATEMENTS/RECOMMENDATIONS WORKSHEET

Problem/Barrier # 2 :

Attorneys in District 10 need support in the form of training in the areas of interest to the indigent.

What data supports your statement of the problem?

Interviews with area attorneys.

What activities will the attorneys in your District take to address this barrier or problem? For each checked activity, please provide a detailed description of your District's plan for implementing this activity.

- ☐ Representing persons of limited means through case referral
- ☐ Representing persons of limited means through direct contact with a lawyer when the lawyer establishes financial eligibility substantially similar to those used by legal assistance providers
- ☐ Representing community groups servicing persons of limited means through case referral
- ☐ Interviewing and determining eligibility of prospective pro bono clients
- ☐ Acting as co-counsel on cases or matters with civil legal assistance providers and other pro bono lawyers
- ☐ Providing consultation services to civil legal assistance providers for case reviews and evaluations
- ☒ Providing training to the staff of civil legal assistance providers and other volunteer pro bono attorneys;

Training will be provided for attorneys who agree to participate in pro bono representation.

- ☐ Making presentations to persons of limited means regarding their rights and obligations under the law
 - ☐ Providing legal research
 - ☐ Providing guardian ad litem services
 - ☐ Serving as a mediator or arbitrator to the client-eligible party
 - ☐ Other _____
-

Description:

Many attorneys who would otherwise volunteer feel that they have insufficient experience in the areas of priority to the indigent. To counter this problem, District 10 will sponsor continuing legal education courses at the Indiana University Law School and other

locations in Owen, Green, and Lawrence counties. One set of courses will focus primarily on the “nuts and bolts” of housing and family law. Speakers at the program would include area attorneys and legal services representatives who handle these cases on a regular basis. Sample forms, pleadings, and relevant case law will be provided in a manual and made available on the web for more frequent updating. All participants will be expected to commit to at least two pro bono cases per year in return for free continuing legal education credit.

The “nuts and bolts of divorce” program would include the following topics: typical dissolution pleadings; custody and “best interests of the child,” child support, ethical aspects of dissolution, and restraining orders and domestic violence.

The “nuts and bolts of housing law” program would include defending evictions from private and subsidized housing, using the Fair Housing Act to protect tenants, and defending foreclosure actions. Other topics that might be of interest would be public benefits topics such as unemployment and Medicaid, and consumer topics such as collection defense, and bankruptcy.

In addition to training in family and housing law, District 10 will also sponsor continuing legal education courses at the law school, training attorneys to serve as guardians ad litem (GAL’s) on a pro bono basis. The twelve (12) hour course would provide attorneys with the information, research, documents, and forms they would need to be able to serve as GAL’s to represent the best interests of children. Speakers at the program would include current and former Children’s Advocacy Clinic directors and distinguished law faculty, Indiana judges, and mental health and substance abuse professionals. The training would be free to attorneys on the condition that they commit to serve as GAL on a pro bono basis in at least one case each year.

The program would include the following topics:

- a. legal framework relating to custody disputes and parenting time, including Indiana statutes, case law, rules and guidelines,
- b. legal issues involving Children In Need of Services (“CHINS”) reporting of child abuse or neglect, and the Court Appointed Special Advocate Program;
- c. ethical issues in GAL appointments;
- d. special considerations in interviewing children;
- e. what are children’s “best interests”, from the statutory, judicial and social science perspectives;
- f. mental health issues arising in GAL investigations;
- g. substance abuse issues in GAL investigations;
- f. the effect of domestic violence on children;
- g. Planning and implementing the GAL investigation;
- h. the judicial perspective on what GAL’s should focus on in their investigations and reporting to the court.

Please describe the expected results and the measures, which you will utilize to determine the value to the indigent of the proposed activity.

The Plan Administrator will provide the Committee with annual reports outlining:

1. The number of attorneys providing direct representation. The Plan Administrator will have this information from the Direct Referral Program and will gather it from each of the other four formal legal services providers. Additionally, judges will provide the Plan Administrator with a record of court referrals. All will be compared to earlier reports.

2. The number of hours volunteered for direct representation. The Plan Administrator will have this information from the Direct Referral Program and will gather it from each of the other four formal legal services providers. Additionally, judges will provide the Plan Administrator with a record of court referrals. All will be compared to earlier reports.
3. Attorney surveys. The Plan Administrator will survey lawyers providing direct representation to ascertain whether they are receiving helpful materials and education and their view of law student assistance.
4. Law student surveys. Participating law students will critique their experience and be asked whether it makes pro bono activities more likely when they are in practice.

District 10 expects that the number of lawyers participating will increase, the number of hours devoted to direct representation will increase, and the attorneys and law students will report satisfying experiences.

Please provide your timeline for implementing and evaluating the recommended activities.

Trainings will begin in Monroe and Greene County in the Winter of 2003, and trainings will begin in the Spring of 2003 in Lawrence and Owen Counties.

**Please provide a proposed budget for implementing the recommended activities.
(See Comprehensive Budget Form; all percentages are of dollar amounts given there.)**

Plan Administrator Salary:	25% - \$10,000.00
Benefits:	25% - \$2,500.00
Space:	25% - \$1750.00
Phone:	42% - \$700.00
Equipment:	25% - \$500.00
Supplies:	88% - \$1,750.00
CLE Costs:	100% - \$7,500.00
Attorney recognition:	<u>25% - \$500.00</u>
	30% - \$25,200

COMPREHENSIVE BUDGET FORM- District 10

COST CATEGORY	IOLTA \$	*OTHER \$	*DONATED	TOTAL
A. Personnel Costs				
1. Lawyers				
2. Paralegals				
3. Plan Administrator	40,000.00			40,000.00
4. Salary Subtotal				
5. Employee Benefits	10,000.00			10,000.00
6. Total Personnel Costs	50,000.00			50,000.00
B. Non Personnel				
1. Space			7,000.00	7,000.00
2. Equipment			2,500.00	2,500.00
3. Office Supplies			2,000.00	2,000.00
4. Telephone	1,700.00			1,700.00
5. Travel	1,500.00			1,500.00
6. CLE costs	7,500.00			7,500.00
7. Library				
8. Insurance	5,000.00			5,000.00
9. Dues and Fees				
10. Audit				
11. Litigation		3,000.00		3,000.00
12. Property Acquisition				
13. Purchase Payments				
14. Contact Services to Clients				
15. Attorney recognition	2,000.00			2,000.00

16. Plan Administrator training	700.00			700.00
17. Litigation Fund	2,000.00			2,000.00
18. Total Non Personnel Costs	18,400.00	3,000.00	11,500.00	32,900.00

*Reserves in this category are not required to be resubmitted to the IBF if not spent during the allocation calendar year.

***Other-Contributions**

***Donated – Donated by Indiana University**

List of Appendices

- 1. Protective Order Project Manual**
- 2. Protective Order Project Website**
- 3. Charts of Legal Representation in District 10**
- 4. Pro Bono Committee Letter and Interest Form**
- 5. District 10 Professional Responsibility Survey**
- 6. Quad County Bar Association Meeting and Awards**
- 7. Dean Robel's Letter of Support and Resume**
- 8. Letters of Support**

SUBMISSION PROCEDURES

Ten copies of the completed annual report and plan shall be submitted to: Jennifer Theresa Cloyd Konomos, Indiana Pro Bono Commission, 230 East Ohio Street, Fourth Floor Indianapolis, Indiana 46204. Plans should be submitted no later than 5:00 p.m. on July 1, 2002.

CHECKLIST FOR ANNUAL REPORT AND PLAN:

- _____ Pro Bono Annual Report and Plan for current year pp. 1-20 (10 copies)
 - _____ Proposed budget pp 18-19 (10 copies)
 - _____ Legal Service Provider Annual Progress Report p.11 (10 copies)
 - _____ District Annual Progress Report p.12 (10 copies)
 - _____ Enclosures (10 copies)
- _____ Disk in Word or Excel of all submitted materials or submission via e-mail at probono@inbar.org

ANNUAL TIME TABLE FOR SUBMISSION OF FORMS AND CHECKS:

January 1:	Checks distributed
January 31:	IBF final grant progress report for previous year due
June 1:	IBF mid-year grant progress report due
July 1:	Annual report, plan and grant application due to IPBC
November:	Notification of awards
December 1:	IBF grant agreement due and revised budget due (as needed)

Additional information concerning these instructions or the submission of a plan may be obtained from Jennifer Theresa Cloyd Konomos, Indiana Pro Bono Commission, 230 East Ohio Street, Fourth Floor Indianapolis, Indiana 46204 or by calling at 317-639-5465 or by e-mail at probono@inbar.org.

